

## **Remarks**

### **I. Status of Claims**

Claims 1 and 4-27 were pending. Claims 1, 12, 13, and 16 have been amended. Claims 11 and 17-20 have been canceled. Claims 1, 4-10, 12-16, and 21-27 will be pending upon entry of these amendments. No new matter has been added.

### **II. Withdrawal of Finality**

Applicants acknowledge and appreciate the Examiner's withdrawal of the finality of the previous Office Action, which was dated July 12, 2004.

### **III. Obviousness Rejections**

Claims 1 and 4-27 stand rejected as being allegedly obvious in view of U.S. Patent No. 4,333,086 ("Ebi") combined with U.S. Patent No. 6,019,455 ("Taylor"). Applicants respectfully request the Examiner to withdraw these rejections for at least the following reasons.

#### **A. The Amendments to the Claims Should Be Entered**

The amendments to claims 1, 12-13, and 16 should be entered. These amendments place the application in condition for allowance or in better form for appeal. M.P.E.P. 714.12. The amendments to claims 1 and 16 change those independent claims in the same general way—specifying that the fluid packet is removed from the surface through an exit port. This limitation was originally within now-canceled claim 11, and hence the amendments do not "raise new issues that would require further consideration and/or search." M.P.E.P. 714.13. The amendments to claims 12-13 simply reflect the incorporation of claim 11 into claim 1.

Applicants therefore respectfully request the amendments to be entered in response to this Final Office Action and that a Notice of Allowance be issued in view of the comments below.

**B. All the Claims Are in Condition for Allowance**

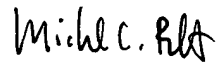
Independent claims 1 and 16 require using dielectrophoresis to form a fluid packet and to extract it from a vessel onto a surface *and removing that fluid packet from the surface through an exit port*. Claims 17-20 have been canceled without prejudice, and claims 21-27 include a similar exit port requirement.

As discussed previously, Taylor and Ebi are directed to methods of placing ink onto a surface (*e.g.*, placing ink onto paper using a printer). Neither reference teaches or suggests the *removal of a deposited fluid packet through an exit port*. Instead, each reference teaches away from that technology. In contrast to the present claims, printing technology (Ebi and Taylor included) is designed so that deposited ink *remains on the surface* of the paper—otherwise, the printing process is arguably useless. The previous Office Actions and this Final Office Action do not cite any passage or reasoning to teach or suggest the limitations of amended independent claims 1, 16, and 21. There is, and can be, no *prima facie* case of obviousness, and Applicants respectfully request the Examiner to withdraw the current rejections so that this case may advance to issuance.

#### **IV. Conclusion**

Applicants respectfully submit that all pending claims are in condition for allowance. Should there be any questions, please do not hesitate to call the undersigned attorney at (512) 536-3018.

Respectfully submitted,



Michael C. Barrett  
Reg. No. 44,523  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
Telephone: (512) 536-3018  
Facsimile: (512) 536-4598

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